

) Tile

Norman H. Bangerter, Governor Dee C. Hansen, Executive Director Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 16, 1985

CERTIFIED RETURN RECEIPT REQUESTED P 402 457 682

Mr. Charles Gent Genwal Coal Company P O Box 1201 Huntington, Utah 84527

Dear Mr. Gent:

RE: Proposed Assessment for State Violation No. N84-2-20-6, N84-4-14-1, ACT/015/032, Folder #8, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.17.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector Sandy Pruitt on September 21, 1985 (N84-2-20-6) and David Lof, on November 2, 1984 (N84-4-14-1). Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information, which was submitted by you or your agent within 15 days of receipt of this notice of violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Address a request for a conference to Ms. Jan Brown, at the above address.) If no timely request is made, all pertinent data will be reviewed and the penalty will be reassessed, if necessary, for a finalized assessment. Facts will be considered for the final assessment which were not available on the date of the proposed assessment, due to the length of the abatement period. This assessment does not constitute a request for payment.

Sincerely,

Mary Ann/Wright

Assessment Officer

re

Enclosure

cc: D. Griffin, OSM Albuquerque Field Office

73140

an equal opportunity employer

SUMMARY OF PROPOSED ASSESSMENT OF PENALTIES UTAH DIVISION OF OIL, GAS AND MINING 355 West North Temple 3 Triad Center Suite 350 Salt Lake City, Utah 84180-1203 801-538-5340

| COMPA | NY/MINE | | Genwal/Crandal | .1 | PERMIT | # ACT | /015/03 | 2 |
|--------------|---------|---|--|---------|----------------|-------|---------|---------------------------------------|
| VIOL | NOITA | | | AMOUNT | | | | |
| N84-4- | -14-1 | | | 3,320 | - | | | |
| N84-2- | -20-6 | | | | • | | | |
| _1 | _ OF | 6 | | 960. | - | | | |
| 2 | OF | 6 | | vacated | - | | | |
| 3 | OF | 6 | | 1,380 | _ | | | |
| 4 | _ OF | 6 | —————————————————————————————————————— | 1,180 | - | | | e e e e e e e e e e e e e e e e e e e |
| 5 | _ OF | 6 | | 840 | - | | | |
| 6 | _ OF | 6 | | 5,000 | - | | | |
| | _ OF | | | | - . | | | |
| | OF | | | | _ | | | |

TOTAL ASSESSED FINE

\$ 12,680

0056Q

| COMPANY/MINE Genwal/Cr | andall | NOV # N | 84-4-14-1 | |
|--|--|--|--|--|
| PERMIT # ACT/015/032 | VI | OLATION | 1 OF | 1 |
| I. HISTORY MAX 25 P | <u>rs</u> | | | |
| A. Are there previous which fall within ASSESSMENT DATE May 15, | l year of today's d | ate? | | |
| PREVIOUS VIOLATIONS EFF.DA N84-2-9-2 3-30-85 N84-2-14-1 " C84-2-1-1 " N84-2-16-1 " N84-2-17-1 " N84-2-4-1 9-14-84 | 2 N84-2-2 1 C84-2-2 5 N84-2-1 1 N83-2-1 1 N84-2-3 | -1 9-1 4-1 -1 | 4-20-8 9-14-8 | $ \begin{array}{c c} & 1 \\ \hline 5 \\ \hline 1 \\ \hline 35 \\ \hline 1 \\ \hline 4 \\ \hline 1 \end{array} $ |
| 5 points | for each past viol s for each past vio ing notices shall b T or B) | lation in a | a CO, up to | one year |
| NOTE: For assignment of po- applies. Based on the facts Officer will determine with Beginning at the mid-point of up or down, utilizing the in documents. | s supplied by the i in which category t of the category. th | nspector, t he violation e AO will a | the Assessm on falls. adiust the | points |
| Is this an Event (A) or | Hindrance (B) viol | ation? | event | |
| A. Event Violations | MAX 45 PTS | | | |
| <pre>1. What is the event prevent? Water Po</pre> | which the violated | standard v | was designe | d to |
| What is the probable violated standard | ility of the occurr was designed to pre | ence of the vent? | e event whi | .ch a |
| PROBABILITY None Insignificant Unlikely Likely Occurred | RANGE 0 1-4 5-9 10-14 15-20 | MID-POIN 2 7 12 17 | | |
| | ASSIGN PROBABILITY | OF OCCURRE | ENCE POINTS | 20 |

PROVIDE AN EXPLANATION OF POINTS Per inspector's statement, pond was not built to specification. Because of this pond did not operate correctly.

Oil and grease dumped into pond left it without treatment. Water entered fishery. Assessed as occurred.

| 3 | Would or did the damage or impact remain within the exploration or permit area? NO RANGE MID-POINT Within Exp/Permit Area 0-7* Outside Exp/Permit Area 8-25* 16 *In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment. ASSIGN DAMAGE POINTS 23 |
|---|--|
| PROVIDE AN properly b (A maximum about to s | EXPLANATION OF POINTS Damage off site to fishery due to imuilt pond. Discharge for 20 hours of 13.7 mg/l oil and grease. allowable is 10 mg/l). Brook and brown trout were spawning or pawn. |
| | nce Violations MAX 25 PTS |
| 1 | . Is this a potential or actual hindrance to enforcement? |
| | RANGE MID-POINT |
| violation. | Potential hindrance 1-12 7 Actual hindrance 13-25 19 nts based on the extent to which enforcement is hindered by the ASSIGN HINDRANCE POINTS EXPLANATION OF POINTS |
| | TOTAL SERIOUSNESS POINTS (A or B) 43 |
| III. N | EGLIGENCE MAX 30 PTS |
| e O a r s C | as this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE; R Was this a failure of a permittee to prevent the occurrence of violation due to indifference, lack of diligence, or lack of easonable care, or the failure to abate any violation due to the mame? IF SO - NEGLIGENCE; R Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN EGLIGENCE. |
| | No Negligence 0 MID-POINT Negligence 1-15 8 Greater Degree of Fault 16-30 23 |
| STATE DEGR | REE OF NEGLIGENCE Negligence ASSIGN NEGLIGENCE POINTS 10 |
| PROVIDE AN | N EXPLANATION OF POINTS A lack of diligence is assessed in not bond so that the principal spillway operates properly. |

| Α. | Did the operator have onsite the rescompliance of the violated standard v—EASY ABATEMENT | |
|-----------|--|--|
| | Easy Abatement Situation Immediate Compliance —11 f (Immediately following the issue Rapid Compliance —1 f | ance of the NOV) |
| | (Permittee used diligence to aba Normal Compliance | ate the violation) O |
| | (Operator complied within the al | patement period required) |
| | *Assign in upper or lower half of ran occurring in 1st or 2nd half of abate | nge depending on abatement ement period. |
| В. | Did the permittee not have the resourcempliance OR does the situation required prior to physical activity to achieve DIFFICULT ABATEMENT SITUATION | uire the submission of plans |
| | Difficult Abatement Situation Rapid Compliance —11 | to - 20* |
| | (Permittee used diligence to about | ate the violation) |
| | Normal Compliance —l (Operator complied within the al | |
| | Extended Compliance | 0 |
| | (Permittee took minimal actions the limits of the NOV or the vice submitted for abatement was income.) | olated standard, or the plan |
| EASY OR I | DIFFICULT ABATEMENT?easy | ASSIGN GOOD FAITH POINTS 0 |
| to abate | AN EXPLANATION OF POINTS Operator gase (reconstruct). Operator called November 16, 1985. Assessed as nor | mber 19, 1985 to say work had |
| ٧. | | |
| | ASSESSMENT SUMMARY FOR N84-4 | -14-1 |
| I. | TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS | 20 43 10 0 |
| | TOTAL ASSESSED POINTS | 73 |
| | TOTAL ASSESSED FINE \$_ | ham he think |
| ASSESSME | ENT DATE May 15, 1985 ASSESSMENT OF | FICER Mary Ann Wright |
| | X PROPOSED ASSESSMENT | FINAL ASSESSMENT |
| | | |

| | COMPANY/MINE Genwal/Crandal | 1 Canyon | NOV # N84- | 2-20-6 * | |
|--------------------------------------|--|---|--|-------------------------------|---------------------|
| | PERMIT #_ACT/015/032 | | VIOLATION 1 | OFb_ | |
| I. | HISTORY MAX 25 PTS | | * # 2 of 6 Vaca | ted | |
| | A. Are there previous viola which fall within 1 year ASSESSMENT DATE 5-15-85 | of today's | date? | | |
| N84- N84- C84- N84- N84- | -2-9-2 3-30-85 -2-14-1 " | 2 N84- 1 C84- 5 N84- 1 N83- | IOUS VIOLATIONS -2-21-1 -2-2-1 -2-19-1 -2-14-1 -2-3-1 | EFF.DATE " 4-20-85 9-14-84 | PTS 1 5 1 1 1 1 1 1 |
| NOTE appl Offi Begi up c | 5 points fo | r each past notices shales B) in Parts II pplied by the category he category. | ne inspector, the ry the violation . the AO will ad | POINTS | 20 t |
| | Is this an Event (A) or Hin | drance (B) v | violation? | Event | , |
| | A. Event Violations MAX | 45 PTS | | | |
| | 1. What is the event which prevent? Loss of reclaim | ch the viola amation pote | ated standard was ential/water pol | s designed t | to - |
| | 2. What is the probability violated standard was a PROBABILITY None | designed to RANGE O | prevent? | event which | a |
| | Insignificant Unlikely Likely Occurred ASS: | 1-4 5-9 10-14 15-20 IGN PROBABIL | 12 | SE POINTS | 3 |
| PROV | /IDE AN EXPLANATION OF POINT: | | | | |

PROVIDE AN EXPLANATION OF POINTS Failure to protect topsoil from water erosion and contaminants. Per inspector's statement, any loss of revegetation potential is unlikely by the small extent of topsoil loss evident. Some sediment left the area but it was not expected that a problem was caused to the stream.

| | 3. | Would or did the exploration or | ne damage d permit ard | or impact r ea? No | remain within theMID-POIN | |
|-----------------|---|--|--|--|---|----------------|
| | | with: m | • • • | RANGE | MID-POIN | Т |
| | | Within Exp/Per Outside Exp/Per | nit Area | 0-7 | * 4 :* 16 | |
| | | *In assigning | nnints co | تے-o nsider the | duration and exten | t of |
| | | said damage or | impact, in | n terms of | area and impact on | the |
| | | public or envi | ronment. | | | |
| | | | | ASSIGN | DAMAGE POINTS | 8 |
| PROVIDE area if | AN EXF | PLANATION OF PO unchecked. Lit | INTS <u>Dama</u> tle actual | ge would ha damage occ | eve extended off the | e permit |
| B. <u>Hind</u> | rance | Violations | MAX 25 PTS | | | |
| | 1. | Is this a poter | ntial or a | ctual hindr | cance to enforcemen | t? |
| | | | | RANGE | MID-POINT | |
| | | Potential hind | rance | 1-12 | 7 | |
| | | Potential hind Actual hindrand | ce | 13-25 | 19 | |
| Assign p | oints | based on the e | xtent to wh | | cement is hindered | |
| violatio | Π. ΛΝ Ε∨Ε | | TAITC | ASSIGN | HINDRANCE POINTS | |
| LIGATOL | AIV CAF | LANATION OF PU. | TIMI 2 | | | |
| | | | | | | |
| | | | | | | |
| | | • | TOTAL SERIO | OUSNESS POI | NTS (A or B) | 11 |
| III. | NEGL: | IGENCE MAX 30 |) PTS | | | |
| Α. | Was t | his an inadver | ole care? | tion which | was unavoidable by | the |
| | OR Wa | as this a failu | re of a per | rmittee to | prevent the occurr | ence of |
| | OR Wa a vio | as this a failu Dlation due to : Dnable care, or | indifferend the failu | rmittee to ce, lack of | | k of |
| | OR Wa a vio reaso same? | as this a failu plation due to pnable care, or P IF SO — NEGLIO | indifferend the failum GENCE; | rmittee to ce, lack of re to abate | prevent the occurr diligence, or lac any violation due | k of |
| | OR Wa a vio reaso same? OR Wa | as this a failu plation due to pnable care, or P IF SO — NEGLIO as this violation | indifferend the failum GENCE; on the resu | rmittee to ce, lack of re to abate ult of reck | prevent the occurred diligence, or lack any violation due also, knowing, or | k of |
| | OR Wa a vio reaso same? OR Wa inter | as this a failu plation due to pnable care, or P IF SO — NEGLIO as this violation | indifferend the failum GENCE; on the resu | rmittee to ce, lack of re to abate ult of reck | prevent the occurr diligence, or lac any violation due | k of |
| | OR Wa a vio reaso same? OR Wa inter | as this a failum due to conable care, or Property of the second of the s | indifferend the failum GENCE; on the resu | rmittee to ce, lack of re to abate ult of reck GREATER DEC | prevent the occurred diligence, or lack any violation due also, knowing, or | k of |
| | OR Wa a vio reaso same? OR Wa inter | as this a failum plation due to conable care, or P IF SO - NEGLICA as this violation ational conduct GENCE. No Negligence Negligence | indifferend the failur GENCE; on the resu ? IF SO - (| rmittee to ce, lack of re to abate ult of reck GREATER DEG 0 1-15 | prevent the occurred diligence, or lack any violation due cless, knowing, or SREE OF FAULT THAN MID-POINT 8 | k of |
| | OR Wa a vio reaso same? OR Wa inter | as this a failum due to conable care, or Property of the second of the s | indifferend the failur GENCE; on the resu ? IF SO - (| rmittee to ce, lack of re to abate ult of reck GREATER DEG 0 1-15 | prevent the occurred diligence, or lack any violation due cless, knowing, or GREE OF FAULT THAN | k of |
| STATE DE | OR Wa a vic reaso same? OR Wa inter NEGLI | as this a failum plation due to conable care, or P IF SO - NEGLIA as this violation ational conduct GENCE. No Negligence Negligence Greater Degree | indifference the failum GENCE; on the resu Property IF SO - (| rmittee to ce, lack of re to abate ult of reck GREATER DEC 0 1-15 16-30 | prevent the occurrediligence, or lack any violation due cless, knowing, or REE OF FAULT THAN MID-POINT 8 23 | k of |
| STATE DE | OR Wa a vic reaso same? OR Wa inter NEGLI | as this a failum plation due to conable care, or P IF SO - NEGLIA as this violation ational conduct GENCE. No Negligence Negligence Greater Degree | indifference the failum GENCE; on the resu Property IF SO - (| rmittee to ce, lack of re to abate ult of reck GREATER DEC 0 1-15 16-30 ree of faul | prevent the occurrediligence, or lack any violation due cless, knowing, or REE OF FAULT THAN MID-POINT 8 23 | k of to the |
| | OR Wa a vic reaso same? OR Wa inter NEGL! | as this a failum diation due to conable care, or R IF SO - NEGLICAS this violation tional conduct GENCE. No Negligence Negligence Greater Degree OF NEGLIGENCE | indifference the failur GENCE; on the resu ? IF SO - (of Fault Great degr | rmittee to ce, lack of re to abate ult of reck GREATER DEG 0 1-15 16-30 ree of faul | prevent the occurry diligence, or lack any violation due cless, knowing, or GREE OF FAULT THAN MID-POINT 8 23 t NEGLIGENCE POINTS | k of to the |
| PROVIDE | OR Wa a vic reaso same? OR Wa inter NEGL! | as this a failum diation due to contable care, or Property of the property of | indifference the failur GENCE; on the rest ? IF SO - (of Fault Great degr INTS Per | rmittee to ce, lack of re to abate ult of reck GREATER DEG 0 1-15 16-30 ree of faul ASSIGN inspector, | prevent the occurrediligence, or lack any violation due cless, knowing, or REE OF FAULT THAN MID-POINT 8 23 | k of to the |

| Α. | compliance of the violated star —EASY ABATEMENT | ne resources necessary to achieve ndard within the permit area? IF SO | | | | |
|-----------|--|---|--|--|--|--|
| | Easy Abatement Situation | 11 | | | | |
| | Immediate Compliance (Immediately following the | | | | | |
| | Rapid Compliance | -1 to -10* | | | | |
| | (Permittee used diligence | to abate the violation) | | | | |
| | Normal Compliance (Operator complied within | the abatement period required) | | | | |
| | *Assign in upper or lower half occurring in 1st or 2nd half of | of range depending on abatement abatement period. | | | | |
| В. | B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION | | | | | |
| | Difficult Abatement Situation | | | | | |
| | Rapid Compliance (Permittee used diligence | -11 to -20* | | | | |
| | Normal Compliance | -1 to -10* | | | | |
| | (Operator complied within | the abatement period required) | | | | |
| | Extended Compliance (Permittee took minimal ac | 0 ctions for abatement to stay within | | | | |
| | the limits of the NOV or t submitted for abatement wa | the violated standard, or the plan | | | | |
| EASY OR D | DIFFICULT ABATEMENT? | ASSIGN GOOD FAITH POINTS O | | | | |
| PROVIDE / | AN EXPLANATION OF POINTS Per i | nspector, no good faith was | | | | |
| v. | | | | | | |
| ٧. | ASSESSMENT SUMMARY FOR | N84-2-20-6, #1 | | | | |
| I. | TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS | 20 11 18 | | | | |
| | IV. TOTAL GOOD FAITH POINTS | 0 | | | | |
| | TOTAL ASSESSED POINTS | 49 | | | | |
| | TOTAL ASSESSED FINE | \$ 960 hatelinding | | | | |
| ASSESSMEN | NT DATE May 15, 1985 ASSESSME | NT OFFICER Mary Ann Wright | | | | |
| _ | X PROPOSED ASSESSMENT | FINAL ASSESSMENT | | | | |
| 77170 | | | | | | |

| | | | • | | | |
|------------------|--|--|--|--|---|------|
| • | COMPANY/MINE Genwal/Cra | ndall Car | nyon | NOV # N8 | 34-2-20-6 | |
| | PERMIT # ACT/015/032 | | VI(| DLATION | 3 OF6 | 5 |
| I. | HISTORY MAX 25 P | <u>TS</u> | | | | |
| | A. Are there previous which fall within ASSESSMENT DATE 5-15- | l year of | f today's da | ate? | | |
| | -2-9-2 3-30-85 | 2 | N84-2-2] | l - l | 11 | _ 1 |
| | -2-14-1 " | <u> </u> | C84-2-2- | -1 | 11 | 5 |
| | -2-1-1 " | 5 | N84-2-19 | 9-1 | | 1 |
| | -2-16-1 " | | N83-2-14 | 4-1 | 4-20-85 | 1 |
| | -2-17-1 " | 1 | N84-2-3- | -1 | 9-14-84 | 1 |
| <u>N84</u> | -2-4-1 9-14-84 | <u>l</u> | - 1. · · · · · · · · · · · · · · · · · · | | | |
| II. | 5 point No pend SERIOUSNESS (either A E: For assignment of po | for each s for each ing notion or B) ints in F | n past viola ch past viol ces shall be T(Parts II and | ation, up t lation in a e counted DTAL HISTOR | co one year a CO, up to c RY POINTS following | 20 |
| Off Beg up | lies. Based on the fact icer will determine with inning at the mid-point or down, utilizing the imments. | in which of the ca | category thategory, the | ne violatio e AO will a | on falls. Adjust the po | ints |
| | Is this an Event (A) or | Hindrand | ce (B) viola | ation? | Event | |
| | A. Event Violations | MAX 45 F | PTS | | | |
| | 1. What is the event prevent? Environm | | | | vas designed | to |
| | What is the probab violated standard | | | | e event which | n a |
| | PROBABILITY None | | RANGE | MID-POIN | NT | |
| | Insignificant | | 0 1 - 4 | 2 | | |
| | Unlikely | | 1-4 5-9 | 2 7 | | |
| | Likely | | 10 - 14 | 12 | | |
| | Occurred | | 15-20 | 12 17 | | |
| | occurred | | 17-20 | 17 | | |
| | | ASSIGN I | PROBABILITY | OF OCCURRE | ENCE POINTS | 13 |
| | | | | | - | |

PROVIDE AN EXPLANATION OF POINTS The events as listed are considered likely to occur under the ground conditions existing at the time of the NOV. Five (5) areas identified as failure to maintain sediment control.

| | 3. | Would or did the deexploration or per | mit area? | No | | _ |
|---------------|--|---|--|--|---|-----------------|
| | | Within Cun/Dommit | RA | NGE * | MID-POIN | IT |
| | | Within Exp/Permit Qutside Exp/Permit | Area (| 1-7 [*] | 4 16 | |
| | | *In assigning poin | ts. consider t | he durati | on and exten | t of |
| | | said damage or imp | act, in terms | of area a | nd impact on | the |
| | | public or environme | ent. | | | |
| | | | ASS | SIGN DAMAG | E POINTS | 12 |
| grease | and co | PLANATION OF POINTS al fines would have al damage was appare | entered Cranc | have ext all Creek | ended offsit . Assessed | e. Oil, down |
| | - | | - | | , | |
| B. <u>Hin</u> | drance | Violations MAX: | 25 PTS | | | |
| | 1. | Is this a potentia | l or actual hi | ndrance t | o enforcemen | t? |
| | | | RANGE | | MID-POINT | |
| | | Potential hindrance | e 1-1 <i>2</i> | • | 7 | |
| | | Actual hindrance | 13-25 | , | 19 | |
| Assign | points | based on the exten | | | | |
| violati | - | DI ANATTONI OF DOTATO | ASS | IGN HINDR | ANCE POINTS | |
| LKOATDE | AN EX | PLANATION OF POINTS | • | | | |
| | | | | | | 7 |
| | | | | | | |
| | | TOTAL | L SERIOUSNESS | POINTS (A | or B) | 25 |
| III. | NEGL | IGENCE MAX 30 PT | <u>s</u> | | | |
| Α. | exer OR W a vi reas same OR W inte | this an inadvertent cise of reasonable cas this a failure or clation due to indiconable care, or the ? IF SO - NEGLIGENCE as this violation the ntional conduct? IF IGENCE. | care? IF SO - f a permittee fference, lack failure to ab E; he result of r | NO NEGLI to preven of dilig ate any v | GENCE; t the occurr ence, or lac iolation due knowing, or | ence of k of |
| | | No Negligence | 0 | MI | D-POINT | |
| | | Negligence | 1-15 | | 8 | |
| | | Greater Degree of 1 | Fault 16 - 30 | | 23 | |
| STATE D | EGREE | OF NEGLIGENCE <u>Ne</u> | gligence | TON NICOLT | CENCE DOTATE | <u> </u> |
| | | | ASS | OTAN NEAFT | GENCE POINTS | 15 |
| PROVIDE | AN EX | PLANATION OF POINTS | Assessed upw | ard since | one of the | five |
| areas h | ad beer | n issued on three m | onthe prior | | | |

| A. | Did the operator have onsite the compliance of the violated standa -EASY ABATEMENT | |
|-----------|---|--|
| | Easy Abatement Situation | |
| | Immediate Compliance - | |
| | (Immediately following the i | ssuance of the NOV) |
| | Rapid Compliance (Permittee used diligence to Normal Compliance | |
| | | e abatement period required) |
| | *Assign in upper or lower half of occurring in 1st or 2nd half of a | range depending on abatement batement period. |
| в. | Did the permittee not have the re compliance OR does the situation prior to physical activity to ach DIFFICULT ABATEMENT SITUATION | require the submission of plans |
| | Difficult Abatement Situation Rapid Compliance - (Permittee used diligence to | |
| | Normal Compliance (Operator complied within th | -l to -l0* e abatement period required) |
| | Extended Compliance (Permittee took minimal acti | ons for abatement to stay within |
| | the limits of the NOV or the | violated standard, or the plan |
| | submitted for abatement was | incomplete) |
| EASY OR D | DIFFICULT ABATEMENT? | ASSIGN GOOD FAITH POINTS 0 |
| As of Oct | ober 3, 1984 no work had been don | pector, no good faith warranted. e and situation had worsened. terminated October 9, 1984. |
| V. | ASSESSMENT SUMMARY FOR N | 84-2-20-6, #3 |
| I. | TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS | 20 25 15 0 |
| | TOTAL ASSESSED POINTS | 60 |
| | TOTAL ASSESSED FINE | 1380. |
| | | Thation |
| ASSESSMEN | NT DATE May 15, 1985 ASSESSMENT | OFFICER Marty Ahn Wright |
| - | X PROPOSED ASSESSMENT | FINAL ASSESSMENT |
| 7313Q | | |

| COMPANY/MINE Genwal/Crandall Ca | anyon | NOV # N84- | -2-20-6 | |
|---|---|--|--|------------------|
| PERMIT #_ACT/015/032 | VIOL | ATION 4 | OF6 | |
| I. <u>HISTORY MAX 25 PTS</u> | | | | |
| A. Are there previous violation which fall within 1 year of ASSESSMENT DATE 5-15-85 N84-2-9-2 N84-2-14-1 C84-2-1-1 N84-2-16-1 N84-2-17-1 N84-2-4-1 N84-2-4-1 P-14-84 | f today's date | e? YEAR DATE 1 1 | - | 1 5 1 1 |
| PREVIOUS VIOLATIONS EFF.DATE PTS | | | | PTS |
| l point for each 5 points for eac No pending notic | ch past viola ces shall be | tion in a (| CO, up to or | ne year 20 |
| II. <u>SERIOUSNESS</u> (either A or B) | , | | | |
| NOTE: For assignment of points in applies. Based on the facts supplied Officer will determine within which Beginning at the mid-point of the caup or down, utilizing the inspector documents. | ed by the ins category the ategory, the | pector, the violation AO will ad | e Assessment falls. just the pos | ints |
| Is this an Event (A) or Hindrand | ce (B) violat | ion? <u>hin</u> o | drance | _ |
| A. Event Violations MAX 45 P | PTS | | | |
| <pre>1. What is the event which th prevent?</pre> | he violated s | tandard was | s designed | to |
| What is the probability of violated standard was design | the occurren gned to preve | ce of the ont? | event which | a |
| PROBABILITY None Insignificant Unlikely Likely Occurred | RANGE 0 1-4 5-9 10-14 15-20 | MID-POINT 2 7 12 17 | | |
| ASSIGN H | PROBABILITY O | F OCCURREN | CE POINTS _ | |
| PROVIDE AN EXPLANATION OF POINTS | | | | |

| | 3. | Would or did exploration o | | ea? No | main within the | |
|----------|-----------|--------------------------------|---------------|------------------------------------|--------------------------|---|
| | | Within Evo/Do | nmit Anna | RANGE 0-7* | MID-POINT | |
| | | Within Exp/Pe Outside Exp/F | ermit Area | U-/ | 4 16 | |
| | | *In assigning | Doints cor | o - 27 esider the du | uration and extent of | |
| | | said damage d | or impact. ir | terms of a | rea and impact on the | |
| | | public or env | | | iou une impues on one | |
| | | • | | ASSIGN (| DAMAGE POINTS | |
| DDOVIEN | 0.1. 57.0 | 71 4110777011 07 6 | | | | |
| PROVIDE | AN EX | PLANATION OF F | OINTS | | | |
| | | | ** ** | | | _ |
| B. Hino | irance | Violations | MAX 25 PTS | | | |
| 1. | Is t | nis a potentia | al or actual | hindrance to | enforcement? actual | |
| | | | | RANGE | MID-POINT | |
| | | Potential hir | | 1-12 | 7 | |
| | | Actual hindra | | 13-25 | 19 | |
| Assign p | points | based on the | extent to wr | | ment is hindered by the | |
| ATOTACIO |)I 1 • | | | ASSIGN I | HINDRANCE POINTS 17 | |
| PROVIDE | AN FX | PLANATTON OF F | POTNIC Per i | nepector fo | ailure to monitor for | |
| baseline | wate: | r data hindere | ed DOGM from | accurately o | determining if the minin | a |
| activity | / is a | dversely affec | cting the hyd | rologic bala | ance. Assessed downward | 3 |
| for not | hinde: | ring entire in | spection. | | | |
| | | | TOTAL SERIO | DUSNESS POIN | TS (A or B) 17 | |
| III. | NEGL | IGENCE MAX | 30 PTS | | | |
| Α. | Was | this an inadve | ertent violat | cion which wa | as unavoidable by the | |
| | OR W | as this a fail | lure of a per | mittee to p | revent the occurrence of | |
| | a vi | olation due to | indifference | ce, lack of o | diligence, or lack of | |
| | reas | onable care. c | or the failur | e to abate a | any violation due to the | |
| | same | ? IF SO - NEGL | IGENCE; | | | |
| | inte | as this violat | ion the resu | ilt of reckle | ess, knowing, or | |
| | NEGI | IGENCE. | ct? If Su - U | REATER DEGRE | E OF FAULT THAN | |
| | · ·· | racitor. | | | | |
| | | No Negligence |) | 0 | MID-POINT | |
| | | Negligence | | 1-15 | 8 | |
| | | Greater Degre | ee of Fault | 16-30 | 23 | |
| STATE DE | CDEE (| OF MECLICENCE | 0 | | · ! - | |
| SIMIL DE | GNLL (| OF NEGLIGENCE_ | Greater de | gree of fau. | NEGLIGENCE POINTS 18 | |
| | | | | HOOTON I | ALGERGENCE FULIVIO | |
| PROVIDE | AN EX | PLANATION OF F | POINTS Opera | ator was remi | inded of requirement to | |
| monitor | in a | October 5, 198 | 33 letter and | on Septembe | er 29 & 30, 1983 verball | y |
| as MeTT | as at | other times. | | | | |

| - | | | | | | | | |
|-----|---------|---|---|---|--|---|------------------------|-----|
| | | | | | | | Page 3 of | 3 |
| IV. | GOOD F | AITH MAX | -20 PTS. | (either A | or B) | | | |
| | C - | ompliance EASY ABATE asy Abatem Immedi (Immed Rapid (Permi Normal | of the viol MENT ent Situati ate Complia iately foll Compliance ttee used d Compliance | ated standa: on nce — owing the is iligence to | resources necested within the list of the second to the list of th | permit and | rea? IF SO | |
| | • | Assign in courring i | upper or lo n lst or 2n | wer half of d half of al | range depend patement peri | ing on aba | atement | |
| | c p | ompliance rior to ph | OR does the | situation : vity to ach | sources at had require the so ieve complian | ubmission | of plans | |
| | D | Rapid (Permi Normal (Opera Extend (Permi the li | Compliance tor complie ed Complian ttee took m mits of the | iligence to d within the ce inimal actio | ll to -20* abate the vi1 to -10* e abatement poons for abate violated sta | eriod requ | tay within | |
| EAS | Y OR DI | FFICULT AB | ATEMENT? | Easy | ASSIGN GOO | D FAITH P | DINTS _ | _ |
| doe | s not a | ppear appl | icable due | to extension | pector's info n beyond the terminated. | rmation go 90 days. | ood faith According | |
| VI. | I. T | OTAL HISTO II. TOTAL II. TOTAL | SUMMARY FOR RY POINTS SERIOUSNESS NEGLIGENCE GOOD FAITH | POINTS | 84-2-20-6 #4 20 17 18 | | | |
| | | TOTAL | ASSESSED PO | INTS | 55 | | | |
| | | TOTAL | ASSESSED FI | NE | \$ 1180 | P | 1 | / / |

ASSESSMENT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright

FINAL ASSESSMENT

PROPOSED ASSESSMENT

| C | OMPANY/MINE Genwal/Crandall C | anyon | NOV # N | 184-2- 2 | 0-6 | |
|-----------------|---|---------------------------------|--------------------|---------------------|----------------------|----------------|
| Pl | ERMIT #ACT/015/032 | VIOLA | TION | 5 0 | F 6 | |
| I. | HISTORY MAX 25 PTS | | | | | |
| | which fall within 1 year of SSESSMENT DATE 5-15-85 | f today's date | ? | | | |
| N84-2 | | N84-2-21-1 | | | 11 | 1 |
| | -14-1 " <u>1</u> | C84-2-2-1 | | | 11 | |
| C84-2 | 2-1-1 " <u>5</u> 2-16-1 " 1 | N84-2-19-1 N83-2-14-1 | | - - | 20-85 | - |
| | 2-17-1 " 1 | N84-2-3-1 | | | 2-14-84 | - 1 |
| | 2-4-1 9-14-84 1 | 1104-2-7-2 | | | | |
| | OUS VIOLATIONS EFF.DATE PTS | PREVIOUS VI | COLATION | VS EFF | .DATE | PTS |
| | l point for eac | h past violati | ion, up | to one | e year | |
| | 5 points for ea | ch past violat | cion in | a CO, | up to or | ne year |
| | No pending noti | | | | | 00 |
| 77 0 | | TOTA | AL HISTO | DRY POJ | LNIS | 20 |
| 11. 2 | SERIOUSNESS (either A or B) | | | | | |
| Office Begin | ies. Based on the facts supplicer will determine within which nning at the mid-point of the creater down, utilizing the inspectorments. | category the category, the | violat: AO will | ion fal adjust | lls. t the poi | ints |
| J | Is this an Event (A) or Hindran | nce (B) violat | ion? <u>H</u> | indrand | ce | _ |
| · P | A. Event Violations MAX 45 | PTS | | | | |
| 1 | <pre>What is the event which t prevent?</pre> | the violated s | tandard ——— | was de | esigned [.] | to |
| 2 | What is the probability of violated standard was desi | the occurrent igned to preve | ce of that? | he evei | nt which | a |
| | PROBABILITY None | RANGE O | MID-PO | INT | | |
| | Insignificant | 1-4 | 2 | | | |
| | Unlikely | 5 - 9 | 7 | | | |
| | Likely | 10-14 | 12 | | | |
| | Occurred | 15-20 | 17 | | | |
| | ASSIGN | PROBABILITY O | F OCCUR | RENCE | POINTS _ | |
| PROV: | IDE AN EXPLANATION OF POINTS _ | | | | | |

| | 3. | Would or did the dam exploration or permi | | emain within the | |
|------|------------|--|--------------------|----------------------|------------|
| | | exploración or belin | RANGE | MID-POINT | |
| | | Within Exp/Permit Ar | | | |
| | | Outside Exp/Permit A | Area 8-25 | * 16 | |
| | | *In assigning points | , consider the | duration and extent | of |
| | | said damage or impac | | | |
| | | public or environmer | nt. | | |
| | | | ASSIGN | DAMAGE POINTS | |
| PRO' | VIDE AN EX | PLANATION OF POINTS | | | |
| | | | | | |
| В. | Hindrance | Violations MAX 25 | 5 PTS | | |
| | l. Is t | his a potential or a | ctual hindrance | to enforcement? actu | <u>ual</u> |
| | | | RANGE | MID-POINT | |
| | | Potential hindrance | 1-12 | 7 | |
| | | Actual hindrance | 13-25 | 19 | |
| | | based on the extent | | | • |
| | lation. | DI 4110 TTO 1 | | HINDRANCE POINTS | 18 |
| PKU | VIDE AN EX | PLANATION OF POINTS | Per inspector, | not having adequate | <u> </u> |
| of | the energy | for four (4) months | prevented her f | rom assessing the en | rects |
| ins | pection. | ion on the water qua | lity. Inis did | not ninger the enti. | re |
| 1113 | peccion. | ΤΩΤΔΙ | SERIOUSNESS POI | NTS (A or B) | |
| | | · · · · · · · · · · · · · · · · · · · | 3E1(1005)(E55) 61 | | |
| III | • NEGL | IGENCE MAX 30 PTS | | | |
| | | this an inadvertent v cise of reasonable ca | | | the |
| | | as this a failure of | | | nce of |
| | | olation due to indif | | | |
| | reas | onable care, or the | failure to abate | any violation due | to the |
| | | ? IF SO - NEGLIGENCE | | | |
| | OR W | as this violation the | e result of reck | less, knowing, or | |
| | | ntional conduct? IF : IGENCE. | SO - GREATER DEG | REE OF FAULT THAN | |
| | | No Negligence | 0 | MID-POINT | |
| | | Negligence | 1-15 | 8 | |
| | | Greater Degree of Fa | ault 16-30 | 23 | |
| STA | TE DEGREE | OF NEGLIGENCE Grea | ter degree of fa | | |
| | | | | NEGLIGENCE POINTS | 20 |
| PRO | VIDE AN EX | PLANATION OF POINTS | Per inspector, | the operator was c | ited |
| for | the same | problem two months p | rior. | | |

| Α. | Did the operator have onsite the r compliance of the violated standar -EASY ABATEMENT | |
|-------------|---|--------------------------------------|
| | Easy Abatement Situation | |
| | Immediate Compliance -1 | 1 to -20* |
| | (Immediately following the is | suance of the NOV) |
| | Rapid Compliance - (Permittee used diligence to | abate the violation) |
| | Normal Compliance | 0 |
| | (Operator complied within the | |
| | *Assign in upper or lower half of occurring in 1st or 2nd half of ab | range depending on abatement period. |
| В. | Did the permittee not have the res | sources at hand to achieve |
| | compliance OR does the situation r | require the submission of plans |
| | prior to physical activity to achi DIFFICULT ABATEMENT SITUATION | eve compliance? IF SO - |
| | Difficult Abatement Situation | |
| | Rapid Compliance -1 | .1 to -20* |
| | (Permittee used diligence to | |
| | Normal Compliance - | -1 to -10* |
| | (Operator complied within the | |
| | Extended Compliance | 0 |
| | | ons for abatement to stay within |
| | | violated standard, or the plan |
| | submitted for abatement was i | |
| EASY OR | DIFFICULT ABATEMENT? difficult | ASSIGN GOOD FAITH POINTS12 |
| PROVIDE | AN EXPLANATION OF POINTS Operator | demostrated diligence by |
| | ng to have reserved samples reanaly | zed Operator took new samples |
| and had | analyzed by the seventh day of the | nine day period allowed. |
| | and Jesus by the Seventil day of the | Title day period drieweds |
| . V. | ASSESSMENT SUMMARY FOR N84 | 4-2-20-6 #5 |
| I. | TOTAL HISTORY POINTS | 20 |
| | II. TOTAL SERIOUSNESS POINTS | 18 |
| | III. TOTAL NEGLIGENCE POINTS | 20 |
| | IV. TOTAL GOOD FAITH POINTS | -12 |
| | TOTAL ASSESSED POINTS | |
| | TOTAL ASSESSED FINE | \$ 840 |
| | | Mary In Drught |
| ASSESSME | NT DATE May 13, 1985 ASSESSMENT | OFFICER Mary Ann Wright |
| , | X PROPOSED ASSESSMENT | FINAL ASSESSMENT |
| 7313Q | | |

| | COMPANY/MIN | NE_ Genwal/Crandal | L Canyon | NOV # | N84-2-20-6 | |
|--------------------------|--|--|--|---|--|--------------------------------|
| | PERMIT # | ACT/015/032 | | VIOLATION _ | 6 OF _ | 6 |
| I. | HISTOR | RY MAX 25 PTS | | | | |
| | which | nere previous viola fall within l year DATE | r of today's | date? | - | acated, |
| N84 C84 N84 N84 | VIOUS VIOLA -2-9-2 -2-14-1 -2-1-1 -2-16-1 -2-17-1 -2-4-1 | " 1 " 5 " 1 " 1 9-14-84 1 | N84-2 C84-2 N84-2 N83-2 N84-2 | -3-1 | 4-20 9-14 | 1 5 1 -85 1 -84 |
| II. | SERIOUSNES: | l point for 5 points for No pending n S (either A or B | each past votices shall | iolation in | a CO, up | to one year |
| app Off Beg up | lies. Based icer will do inning at to or down, utuments. Is this an | ignment of points of on the facts supetermine within who me mid-point of the ilizing the inspective (A) or Hind Violations MAX | olied by the ich category, e category, tor's and op rance (B) vi | inspector, the violat the AO will perator's st | the Asses ion falls. adjust th atements a | sment e points |
| | 1. What | is the event whic nt? Water Pollutio | n the violat | ed standard | was desig | ned to |
| | | is the probability ted standard was d | | | he event w | hich a |
| | 1 | PROBABILITY None Insignificant Unlikely Likely Occurred | RANGE 0 1-4 5-9 10-14 15-20 | MID-PO 2 7 12 17 | INT | |
| | | ASSI | GN PROBABILI | ITY OF OCCUR | RENCE POIN | TS <u>20</u> |
| PRO | VIDE AN EXP | LANATION OF POINTS | Assessed a | as occurred. | Per insp | ector's |

PROVIDE AN EXPLANATION OF POINTS Assessed as occurred. Per inspector's statement, oil was released from the generator into the sediment pond. The sediment pond has discharged intermittently since then. Oil impedes the settling of fines, thus the discharge is black. Discharge was into a fishery at spawning time.

| 3. | Would or did the damage exploration or permit a | or impact rem | |
|--|---|--|--|
| | | RANGE | MID-POINT |
| • | Within Exp/Permit Area Outside Exp/Permit Area | 0-7* | 4 |
| | Outside Exp/Permit Area | 8-25* | 16 |
| | *In assigning points, co | onsider the du | ration and extent of |
| | said damage or impact, in public or environment. | in terms of ar | ea and impact on the |
| | position of chartonnelle. | ASSIGN D | AMAGE POINTS 24 |
| PROVIDE AN EX | KPLANATION OF POINTS Actu | ual extent of | damage to fish spawning |
| is unknown. | An impact of 200 feet of | visible sludg | e has been made by this |
| event. | | | |
| B. <u>Hindrance</u> | Violations MAX 25 PTS | | |
| 1. | Is this a potential or a | actual hindran | ce to enforcement? |
| | | RANGE | MID-POINT |
| | Potential hindrance | 1-12 | 7 |
| | Actual hindrance | 13-25 | 19 |
| Assign points | s based on the extent to v | | |
| violation. | VDL ANATTON OF DOTHER | ASSIGN H | INDRANCE POINTS |
| PRUVIDE AN EX | KPLANATION OF POINTS | | |
| | | | |
| | | | |
| | TOTAL SERI | COUSNESS POINT | S (A or B)44 |
| III. <u>NEG</u> | IGENCE MAX 30 PTS | | |
| exer OR N a vi reas same OR N inte | this an inadvertent violarcise of reasonable care? Was this a failure of a pailolation due to indifferer sonable care, or the failure? IF SO - NEGLIGENCE; Was this violation the resentional conduct? IF SO - LIGENCE. | IF SO - NO Nermittee to proce, lack of dure to abate a | EGLIGENCE; event the occurrence of iligence, or lack of ny violation due to the ess, knowing, or |
| | No Negligence | 0 | MID-POINT |
| | Negligence | 1 - 15 | 8 |
| | Greater Degree of Fault | 16-30 | 23 |
| STATE DEGREE | OF NEGLIGENCE Greater de | egree of fault ASSIGN N | EGLIGENCE POINTS 28 |
| PROVIDE AN EX | XPLANATION OF POINTS | Considered rec | kless behavior to |
| release used | oil into the sediment por | | |
| previously in | n NOV N83-2-11-1. | | |

| | | Page 3 of 3 |
|---------------------------------------|--|----------------------|
| IV. GOOD | FAITH MAX -20 PTS. (either A or B) | |
| A. | Did the operator have onsite the resources necessary to compliance of the violated standard within the permit are -EASY ABATEMENT Easy Abatement Situation Immediate Compliance -11 to -20* (Immediately following the issuance of the NOV) Rapid Compliance -1 to -10* (Permittee used diligence to abate the violation) Normal Compliance 0 (Operator complied within the abatement period requirement) | ea? IF SO |
| | *Assign in upper or lower half of range depending on abar occurring in 1st or 2nd half of abatement period. | tement |
| В. | Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission oprior to physical activity to achieve compliance? IF SO DIFFICULT ABATEMENT SITUATION | of plans |
| | Difficult Abatement Situation Rapid Compliance -11 to -20* (Permittee used diligence to abate the violation) Normal Compliance -1 to -10* (Operator complied within the abatement period requestion to compliance 0 (Permittee took minimal actions for abatement to state the limits of the NOV or the violated standard, or submitted for abatement was incomplete) | ay within |
| EASY OR | DIFFICULT ABATEMENT? ASSIGN GOOD FAITH PO | INTS 0 |
| PROVIDE the lack faith. | AN EXPLANATION OF POINTS An extension granted the operator of diligence in trying to fix the situation does not war: | tor and rant good |
| , V • | ASSESSMENT SUMMARY FOR N84-2-20-6 #6 | |
| I. | TOTAL HISTORY POINTS II. TOTAL SERIOUSNESS POINTS III. TOTAL NEGLIGENCE POINTS IV. TOTAL GOOD FAITH POINTS O | |
| | TOTAL ASSESSED POINTS 92 | |
| e e e e e e e e e e e e e e e e e e e | TOTAL ASSESSED FINE \$5000 | wall |
| ASSESSME | NT DATE May 15, 1985 ASSESSMENT OFFICER Mary Ann Wright | |

FINAL ASSESSMENT

PROPOSED ASSESSMENT